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program.

The performance of services of common concern for the intelligence community is one of the main responsibilities of the DCI. Such services are those which the National Security Council determines can be more efficiently accomplished centrally. [Normally,] the NSC's determination^{usually} is based upon the recommendation of the DCI, with the concurrence of the IAC. Existing CIA functions undertaken in pursuance of this provision are clandestine collection, [REDACTED]

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[REDACTED] the exploitation of domestic sources for foreign intelligence purposes, scientific biographic intelligence, and certain foreign economic intelligence research and production. Another possibly emerging service of common concern is the handling of foreign language publications [~~both with reference to reference and abstracting and translating~~].

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**Notes for Possible Inclusion in Reber's
Speech on Services of Common Concern**

1. In his letter of January 22, 1946 to the Secretaries of State, War and Navy, then President Harry S. Truman directed, among other things, that "subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall... c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally."

2. On 8 February 1946, the National Intelligence Authority issued its NIA Directive No. 2 entitled "Organization and Functions of the Central Intelligence Group." The Directive established as an "initial principal office of the CIG" a "Central Intelligence Services" and about these said "The Central Intelligence Services shall be such operating agencies as may hereafter be established upon approval of this Authority under the provisions of paragraph 3c of the President's Directive of 22 January."

3. On 8 July 1946, the National Intelligence Authority issued its NIA Directive No. 5, entitled "Functions of the Director

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of Central Intelligence." This Directive took up in order the four major functions assigned the DCI in paragraph 3 of the President's letter of 22 January.

In connection with the first function ("accomplish the correlation and evaluation of intelligence relating to the national security..."), the Directive stated: "In performing the functions specified in paragraph 3 a of the President's letter, the DCI is hereby authorized to undertake such research and analysis as may be necessary to determine what functions in the fields of national security intelligence are not being ~~performed~~ presently performed or are not being adequately performed. Based upon these determinations, the DCI may centralize such research and analysis activities as may, in his ^{opinion} own and that of the appropriate member or members of the Intelligence Advisory Board, be more efficiently or effectively accomplished centrally."

In connection with the third function (perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally"), the Directive stated: "Pursuant to paragraph 3 c of the President's letter, the DCI is hereby directed to perform the following services of common concern which this Authority has determined can be more

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efficiently accomplished centrally:

a. Conduct of all organized Federal espionage and counter-espionage operations outside the United States and its possessions for the collection of foreign intelligence information required for the national security.

b. Conduct of all Federal monitoring of press, and propaganda broadcasts of foreign powers required for the collection of intelligence information related to the national security."

4. Immediately after the first appointment of a DCI to serve under the National Security Act of 1947 (i. e., on 20 September 1947), interagency discussions were initiated to develop, under the 1947 Act, National Security Council Intelligence Directives comparable to the National Intelligence Authority Directives which were issued pursuant to the President's letter of 22 January 1946. The first such NSCID was that which we now know as NSCID-1. In developing this Directive, the Agency representatives were influenced by the language in NIA Directive No. 5 (quoted above) by virtue of which the DCI could undertake such research and analysis as, in his opinion and that of the appropriate other chiefs of intelligence, could be more

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efficiently or effectively accomplished centrally. This thought ~~persisted~~^{persisted} through a number of drafts of NSCID-1 but finds expression today in the form of paragraph 8 of NSCID-1, which states,

"The DCI shall perform for the benefit of the existing intelligence agencies such services of common concern to these Agencies as the National Security Council determines can be more efficiently accomplished centrally."

This differs in no substantial respect from the language of paragraph (d) (4) of Section 102 of the 1947 Act. One might, therefore, well wonder why it was thought desirable or necessary to repeat under NSCID-1 an injunction from the 1947 ACT without adding to or otherwise changing that injunction. The answer is found in the historical development of NSCID-1 as related above.

5. Subsequent to NSCID-1, there have been five individual NSCID's growing out of Section (d) (4) of the Act. None of these is exactly like any other. Each has shadings. Some of these shadings are as follows:

a. NSCID-5, which says that the DCI "shall conduct all organized federal espionage operations... except for certain agreed activities by other departments and agencies (emphasis supplied).

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b. NSCID-6 (foreign wireless and radio monitoring), which says that the DCI "shall conduct all Federal monitoring of foreign propaganda and press broadcasts required for the collection of intelligence information to meet the needs of all departments and agencies in connection with the National Security (emphasis supplied).

c. NSCID-7 (domestic exploitation) which says that the CIA shall be responsible for the exploitation, on a highly selective basis, within the United States, of business concerns..."

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e. NSCID-15 (coordination and production of foreign economic intelligence) in which the CIA is directed to "conduct, as a service of

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common concern, such foreign economic research, and produce such foreign economic intelligence, as may be required (a) to supplement that produced by other agencies, either in the appropriate discharge of their regular departmental missions or in fulfillment of assigned intelligence responsibilities; (b) to fulfill requests of the IAC."

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6. In the foregoing, we have seen five examples of the creation, by NSC direction, of a "service of common concern." Because the 1947 Act specified that the CIA will undertake to perform services of common concern as are determined by the NSC, it is to be expected that any further service of common concern will only be undertaken after NSC direction. By virtue of the wording of the Act, however, there is at least one other, and possibly three other, services of common concern that have existed ever since the Act was passed and therefore did not need to be expressed in NSC directives, and in fact have not been. This is explainable by the fact that Section (d) of the Act spells out five duties of CIA. The first of these is to advise the NSC in matters concerning such intelligence activities of the government departments and agencies as relate to the national security. The second is to make recommendations to the NSC for the coordination of such intelligence activities of the departments and agencies of the government as relate to the national security. The third is to correlate and evaluate intelligence relating to the national security and provide for the appropriate dissemination of such intelligence within the government using where appropriate existing agencies and facilities. The fourth is to perform, for the benefit of the existing intelligence agencies, such additional services of common concern

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as the NSC determines can be more efficiently accomplished centrally. The use of the word "additional" in the phrasing of this fourth duty necessarily implies that the duties enumerated earlier are "services of common concern," or at the very least that the duty enumerated immediately prior to the fourth duty is a service of common concern. Thus, although there is no NSCID directing CIA to correlate and evaluate intelligence relating to the national security as a service of common concern, this is of no significance, since the correlation and evaluation of intelligence relating to the national security is, by virtue of the phrasing of the 1947 Act, in fact a serviced common concern. Similarly, it could be held that ~~the~~ when advising the NSC in matters concerning national security intelligence activities, and when making recommendations to the NSC for the coordination of national security intelligence activities, CIA and the DCI are performing services of common concern.

This view of the Act depends upon the interpretation of the significance of one word, namely, "additional," as it modifies "services of common concern" in ~~subject~~ subparagraph(4) of paragraph (d) of Section 102 of the Act. We have seen that this subparagraph (4) grew out of subparagraph 3 (c) of President Truman's letter of January 22. Subparagraph (a) in that letter directed the DCI to

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accomplish the correlation and evaluation of intelligence relating to the national security. It is thus comparable to subparagraph (3) of paragraph (d) of the Act. Subparagraph (3) (b) of the President's letter directed the DCI to plan for the coordination of intelligence activities and make recommendations. It is thus comparable to subparagraphs (1) and (2) of Section (d) of the Act. But, subparagraph 3 (c) of the President's letter, even though it followed the paragraphs dealing with correlation and evaluation, and coordination, and recommendation, does not say that the DCI should perform such additional services of common concern, but rather says merely "such services of common concern." Between the time of the President's letter of January 22, 1946 and the enactment into law of the National Security Act of 1947, the language which is found in both was again considered at a high level. In February of 1946, the Attorney General proposed that the Letter Directive of January 22 be re-expressed in a proposed Executive Order. As drafted, that proposed Executive Order followed the language of the President's letter, rather than anticipating the language of the National Security Act of 1947. That is to say, the words, "services of common concern" were not prefixed by the modification "additional."

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8. The phrase "service of common concern" is not a "phrase of art." That is to say, it has no tradition in either statutory or common law. It therefore must be considered to have no special legal meaning but to be merely words coined, presumably, by the drafters of the Presidential letter of January 22, 1946, to express ordinary meaning. "Common concern" may thus be considered as equalling "community of interest" or any similar analogous plain language. The importance of this consideration lies in the fact that there is no legal or governmental precedent to guide or restrict the development of "services of common concern." Thus, the federal intelligence system is ^{free} ~~afraid~~ to develop those activities which are truly "services" of "interest to the community," so long as these are activities which the NSC determines can be more efficiently accomplished centrally.

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